

TRANSMITTAL LETTER			Case No. 3614/174
Serial No. 09/832,269	Filing Date April 10, 2001	Examiner Zohreh A. Fay	Group Art Unit 1614
Inventor(s) Peyman et al.			
Title of Invention Retinal Treatment Method			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Second Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of References C1-C57.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

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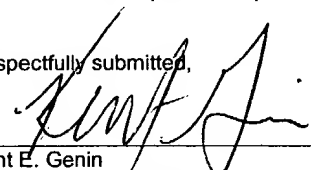
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	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Other Than Small Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=			x \$18=	
x 42=			x \$84=	
+\$140=			+\$280=	
Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 8, 2003.

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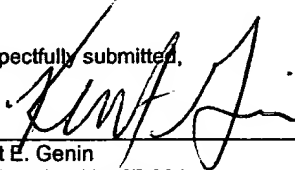
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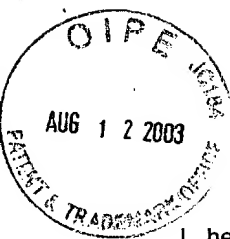
Respectfully submitted,

  
 Kent E. Genin  
 Registration No. 37,834  
 Attorney for Applicant  
 Customer No. 00757 - Brinks Hofer Gilson Lione

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Date: August 8, 2003 Signature: 



**CERTIFICATE OF MAILING**

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Kent E. Genin

Name of Applicant, Assignee or  
Registered Representative

Signature

Date of Signature

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PATENT  
CASE NO. 3614/174

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )

Peyman et al. )

Serial No. 09/832,269 )

Filed: April 10, 2001 )

For: RETINAL TREATMENT )  
METHOD )

Examiner: Zohreh A. Fay

Group Art Unit: 1614

**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the obligation under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. § 1.97-1.99, Applicant hereby submits the following references for consideration by the Examiner.

### **U.S. PATENTS**

<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
1,325,669	12/23/19	Green
4,681,102	07/21/87	Bartell
4,836,202	06/06/89	Krasner
4,936,827	06/26/90	Grimm et al.
5,273,530	12/28/93	Del Cerro et al.
5,288,291	02/22/94	Teoh
5,484,403	01/16/96	Yoakum et al.
5,676,679	10/14/97	Simon et al.
5,814,017	09/29/98	Kashmer
5,817,075	10/06/98	Giungo
5,930,937	08/03/99	Bowersock
5,941,250	08/24/99	Aramant et al.
5,962,027	10/05/99	Hughes
6,066,675	05/23/00	Wen et al.
6,159,218	12/12/00	Aramant et al.
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US 2002/0055724	05/09/02	Hughes
6,387,101 B1	05/14/02	Butts et al.
6,427,087 B1	07/30/02	Chow et al.

### **FOREIGN DOCUMENTS**

<u>Document No.</u>	<u>Date</u>	<u>Country</u>
WO 99/15119	04/01/99	PCT

### **OTHER ART**

Acheson, A., P.A. Barker, R.F. Alderson, F.D. Miller, et al., "Detection of Brain-Derived Neurotrophic Factor-Like Activity in Fibroblasts and Schwann Cells: Inhibition by Antibodies to NGF", Neuron, Vol. 7, 1991, pp 265-75.

Agnew, W.F. et al. Neural Prostheses Fundamental Studies, Englewood Cliffs, Prentice Hall, 1990, pp. 25-65.

Bosco, A., and Linden, R., "BDNF and NT-4 Differentially Modulate Neurite Outgrowth in Developing Retinal Ganglion Cells", *J Neurosci Res.* Vol. 57, 1999, pp 759-69.

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Caleo, M., Lodovichi, C., and Maffei, L., "Effects of Nerve Growth Factor on Visual Cortical Plasticity Require Afferent Electrical Activity", *Eur. J. Neurosci.*, Vol. 11, 1999, pp 2979-84.

Carmignoto, G., Maffei, L., Candeo, P., Canella, R. and Comelli, C., "Effect of NGF on the Survival of Rat Retinal Ganglion Cells Following Optic Nerve Section", *J. Neurosci.*, Vol. 9, 1989, pp 1263-72.

Chow, A.Y., Pardue, M.T., Chow, V.Y., Peyman, G.A., et al., "Implantation of Silicon Chip Microphotodiode Arrays into the Cat Subretinal Space", *IEEE Trans. Neu. Syst. Rehabil. Eng.*, Vol. 9, 2001, pp 86-95.

Chow, A.Y., and Chow, V.Y., "Subretinal Electrical Stimulation of the Rabbit Retina", *Neurosci. Lett.* Vol. 225, 1997, pp 13-16.

Chow, A.Y., and Peachey, N., "The Subretinal Microphotodiode Array Retinal Prosthesis II", *Ophthalm. Res.*, Vol. 31, 1999, page 246.

Cui, Q., So, K.F., and Yip, H.K., "Major Biological Effects of Neurotrophic Factors on Retinal Ganglion Cells in Mammals", *Biol. Sig. Recept.*, Vol. 7, 1998, pp 220-226.

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Evans, R.D., Foltz, D., and Foltz, K., "Electrical Stimulation with Bone and Wound Healing", *Clin. Podiatr. Med. Surg.*, Vol. 18, 2001, pp 79-95.

Frasson, M., Picaud, S., Leveillard, T., Simonutti, M., et al., "Glial Cell Line-Derived Neurotrophic Factor Induces Histologic and Functional Protection of Rod Photoreceptors in the rd/rd Mouse", *Invest. Ophthalmol. Visual Sci.*, Vol. 40, 1999, pp 2724-34.

Klinke, R., Kral, A., Heid, S., Tillein, J., and Hartmann, R., "Recruitment of the Auditory Cortex in Congenitally Deaf Cats by Long-Term Cochlear Electrostimulation", *Science*, Vol. 285, 1999, pp. 1729-1733.

Koyama, S., Haruyama, T., Kobatake, E., and Aizawa, M., "Electrically Induced NGF Production by Astroglial Cells", *Nature Biotechnol.*, Vol. 15, 1997, pp 164-166.

Lagey, C.L., Roelofs, J.M., Janssen, L.W.M., Breedijk, M., et al., "Electrical Stimulation of Bone Growth with Direct Current", *Clin. Orthop.*, No. 204, 1986, pp 303-312.

Lambiase, A., and Aloe, L., "Nerve Growth Factor Delays Retinal Degeneration in C3H Mice", *Graefe's Arch. Clin. Exp. Ophthalmol.*, Vol. 234, 1996, pp 96-100.

Leake, P.A., Hradek, G.T., and Snyder, R.L., "Chronic Electrical Stimulation by a Cochlear Implant Promotes Survival of Spiral Ganglion Neurons after Neonatal Deafness", *J. Comp. Neurol.*, Vol. 412, 1999, pp 543-562.

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Majji, Ajit, et al.: "Long Term Histological and Electrophysiological Results of an Inactive Epiretinal Electrode Array Implantation in Dogs", *Investigative Ophthalmology & Visual Science*, August 1999, Vol. 40, No. 9, pp. 2073-2081.

Margalit, et al.: "Bioadhesives for Intraocular Use", *Retina, The Journal of Retinal and Vitreous Diseases*, 2000, Vol. 20, No. 5, pp. 469-477.

Neely, M.D., and Nicholls, J.G., "Electrical Activity, Growth Cone Motility and the Cytoskeleton", *J. Exp. Biol.* Vol. 198, 1995, pp 1433-1446.

Pagon, R.A., "Retinitis Pigmentosa", *Survey Ophthalmol.*, Vol. 33, 1988, pp 137-177.

Paton, D., Goldberg, M.F., *Management of Ocular Injuries*, Philadelphia, W.B. Saunders Co., 1976, pp 134-135.

Peachey, N.S., and Chow, A.Y., "Subretinal Implantation of Semiconductor-Based Photodiodes: Progress and Challenges", *J. Rehabil. Res. Develop.*, Vol. 36, No. 4, 1999, pp 1-7.

Peyman, Gholam, MD, et al.: "Subretinal Semiconductor Microphotodiode Array", *Ophthalmic Surgery and Lasers*, March 1998, Vol. 29, No. 3, pp. 234-241.

Politis, M.J., Zanakos, M.F., and Albala, B.J., "Facilitated Regeneration in the Rat Peripheral Nervous System Using Applied Electric Fields", *J. Trauma.*, Vol. 28, 1988, pp 1375-1381.

Politis, M.J., Zanakis, M.F., and Albala, B.J., "Mammalian Optic Nerve Regeneration Following the Application of Electric Fields", J. Trauma,, 1988, Vol. 28 pp 1548-1552.

Politis, M.J., and Zanakis, M.F., "Short Term Efficacy of Applied Electric Fields in the Repair of the Damaged Rodent Spinal Cord: Behavioral and Morphological Results", Neurosurgery, Vol. 23, 1988, pp 582-588.

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Reh, T.A., McCabe, K., Kelley, M.W., and Bermingham-McDonogh, O., "Growth Factors in the Treatment of Degenerative Retinal Disorders", Ciba Found. Symp., Vol. 196, 1996, pp 120-131.

Rosen, J.M. "A Merger of Microsurgery and Microelectronics" in Andrade J.D. et al. (Ed.), "Artificial Organs", VCH Publishers, 1967, pp. 583-594.

*Science News*, Vol. 105, No. 5, p. 105, February 2, 1974.

*Science*, July, 1981.

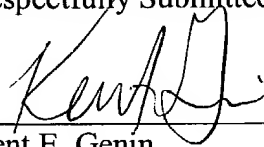
#### EXPLANATION OF THE REFERENCES

As of the day of filing of this information disclosure statement, a first office action on the merits has not been received by the undersigned. Accordingly, no fee for consideration of the information provided with this disclosure statement is included herewith, as permitted by 37 C.F.R. § 1.97(b)(3). However, if an office action on the merits is mailed on a date prior hereto, Applicant hereby requests and authorizes the Commissioner to charge Deposit Account 23-1925 for the appropriate fee of \$180 as set forth in 37 C.F.R. § 1.97(c) for consideration of the information set forth in this disclosure statement.

Applicant requests to have these references included in the record of this application. Applicant further requests that the Examiner review the entire disclosure of each reference. Applicant does not represent any of these references to be prior art and

Applicant reserves the right to disqualify any references by the showing of an earlier date of invention, if appropriate.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kent E. Genin", written over a horizontal line.

Kent E. Genin

Reg. No. 37,834

Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-7732



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FORM PTO-1449	SERIAL NO. 09/832,269	CASE NO. 3614/174
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	FILING DATE April 10, 2001	GROUP ART UNIT 1614
(use several sheets if necessary)	APPLICANT(S): Peyman et al.	

**REFERENCE DESIGNATION                      U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	C1	1,325,669	12/23/19	Green		
	C2	4,681,102	07/21/87	Bartell		
	C3	4,836,202	06/06/89	Krasner		
	C4	4,936,827	06/26/90	Grimm et al.		
	C5	5,273,530	12/28/93	Del Cerro et al.		
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	C7	5,484,403	01/16/96	Yoakum et al.		
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	C11	5,930,937	08/03/99	Bowersock		
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	C17	6,298,270 B1	10/12/01	Nisch et al.		
	C18	6,347,250 B1	12/12/02	Nisch et al.		
	C19	US 2002/0055724	05/09/02	Hughes		
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	C21	6,427,087 B1	07/30/02	Chow et al.		

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**FOREIGN PATENT DOCUMENTS**

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	C22	WO 99/15119	04/01/99	PCT		

EXAMINER INITIAL	<b>OTHER ART – NON PATENT LITERATURE DOCUMENTS</b> <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.</small>					
	C23	Acheson, A., P.A. Barker, R.F. Alderson, F.D. Miller, et al., "Detection of Brain-Derived Neurotrophic Factor-Like Activity in Fibroblasts and Schwann Cells: Inhibition by Antibodies to NGF", Neuron, Vol. 7, 1991, pp 265-75.				
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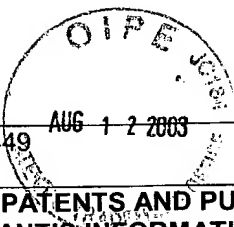
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	C25	Bosco, A., and Linden, R., "BDNF and NT-4 Differentially Modulate Neurite Outgrowth in Developing Retinal Ganglion Cells", J Neurosci Res. Vol. 57, 1999, pp 759-69.
	C26	Brady, G.S., Clauser, H.R., Materials Handbook, Thirteenth Edition, New York, McGraw-Hill, 1991, pp 739-740.
	C27	Caleo, M., Lodovichi, C., and Maffei, L., "Effects of Nerve Growth Factor on Visual Cortical Plasticity Require Afferent Electrical Activity", Eur. J. Neurosci., Vol. 11, 1999, pp 2979-84.
	C28	Carmignoto, G., Maffei, L., Candeo, P., Canella, R. and Comelli, C., "Effect of NGF on the Survival of Rat Retinal Ganglion Cells Following Optic Nerve Section", J. Neurosci., Vol. 9, 1989, pp 1263-72.
	C29	Chow, A.Y., Pardue, M.T., Chow, V.Y., Peyman, G.A., et al., "Implantation of Silicon Chip Microphotodiode Arrays into the Cat Subretinal Space", IEEE Trans. Neu. Syst. Rehabil. Eng., Vol. 9, 2001, pp 86-95.
	C30	Chow, A.Y., and Chow, V.Y., "Subretinal Electrical Stimulation of the Rabbit Retina", Neurosci. Lett. Vol. 225, 1997, pp 13-16.
	C31	Chow, A.Y., and Peachey, N., "The Subretinal Microphotodiode Array Retinal Prosthesis II", Ophthalm. Res., Vol. 31, 1999, page 246.
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	C34	Evans, R.D., Foltz, D., and Foltz, K., "Electrical Stimulation with Bone and Wound Healing", Clin. Podiatr. Med. Surg., Vol. 18, 2001, pp 79-95.
	C35	Frasson, M., Picaud, S., Leveillard, T., Simonutti, M., et al., "Glial Cell Line-Derived Neurotrophic Factor Induces Histologic and Functional Protection of Rod Photoreceptors in the rd/rd Mouse", Invest. Ophthalmol. Visual Sci., Vol. 40, 1999, pp 2724-34.
	C36	Klinke, R., Kral, A., Heid, S., Tillein, J., and Hartmann, R., "Recruitment of the Auditory Cortex in Congenitally Deaf Cats by Long-Term Cochlear Electrostimulation", Science, Vol. 285, 1999, pp. 1729-1733.
	C37	Koyama, S., Haruyama, T., Kobatake, E., and Aizawa, M., "Electrically Induced NGF Production by Astroglial Cells", Nature Biotechnol., Vol. 15, 1997, pp 164-166.
	C38	Lagey, C.L., Roelofs, J.M., Janssen, L.W.M., Breedijk, M., et al., "Electrical Stimulation of Bone Growth with Direct Current", Clin. Orthop., No. 204, 1986, pp 303-312.
	C39	Lambiase, A., and Aloe, L., "Nerve Growth Factor Delays Retinal Degeneration in C3H Mice", Graefes Arch. Clin. Exp. Ophthalmol., Vol. 234, 1996, pp 96-100.
	C40	Leake, P.A., Hradek, G.T., and Snyder, R.L., "Chronic Electrical Stimulation by a Cochlear Implant Promotes Survival of Spiral Ganglion Neurons after Neonatal Deafness", J. Comp. Neurol., Vol. 412, 1999, pp 543-562.
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EXAMINER	DATE CONSIDERED
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	C43	Margalit, et al.: "Bioadhesives for Intraocular Use", Retina, The Journal of Retinal and Vitreous Diseases, 2000, Vol. 20, No. 5, pp. 469-477
	C44	Neely, M.D., and Nicholls, J.G., "Electrical Activity, Growth Cone Motility and the Cytoskeleton", J. Exp. Biol. Vol. 198, 1995, pp 1433-1446.
	C45	Pagon, R.A., "Retinitis Pigmentosa", Survey Ophthalmol., Vol. 33, 1988, pp 137-177.
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